

AUG 27 1997

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of parts 2.106 and 25.202)	RM No. 9147
of the Commission's Rules to Permit)	
Operation of NGSO FSS Systems)	
Co-Frequency with GSO and Terrestrial)	
Systems in the 10.7-12.7 GHz,)	
12.75-13.25 GHz, 13.75-14.5 GHz, and)	
17.3-17.8 GHz Bands, and to Establish)	
Technical Rules Governing NGSO FSS)	
Operations in these Bands)	

Comments of Hughes Communications, Inc.

Hughes Communications, Inc. ("HCI") hereby comments on the above-captioned petition ("Petition") of SkyBridge L.L.C. ("SkyBridge") to modify the Commission's rules to permit non-geostationary orbit Fixed-Satellite Service ("FSS") systems to utilize frequency bands that currently are licensed exclusively to geostationary space stations.

While HCI has no objection to the Commission conducting a proceeding to inquire about flexible use of the limited spectrum resource, HCI has a number of concerns about the nature, scope, and potential impact of the rulemaking proceeding proposed here.

First, the SkyBridge proposal should not be permitted to proceed absent a clear and compelling demonstration that non-geostationary satellite operations at Ku band will not (i) interfere with existing or planned Ku band satellite systems, or (ii) constrain the development of new Ku band satellite technology, such as narrow, multibeam satellite systems and smaller customer antennas. The sharing criteria that currently exist between geostationary satellite systems (e.g., orbital spacing, polarization requirements) have been carefully developed with due

consideration of the potential impact on existing and future satellite businesses at Ku band, in which U.S. industry has invested billions and billions of dollars. Appropriately, the Commission previously has been loath to proceed with proposed changes to those criteria that would disrupt existing satellite businesses that have developed in reliance on the existing regulatory scheme.¹ While HCI has no objection in concept to the consideration of different or additional sharing criteria that would maximize use of the radio spectrum, it is imperative that any such proposals be scrutinized for their potential impact on existing and planned FSS and BSS systems at Ku band.²

Second, HCI urges the Commission not to proceed with a proposal for non-geostationary use of the spectrum that effectively provides an entry opportunity for only one company. It is not clear from the SkyBridge proposal whether SkyBridge would be willing or able to share the Ku band with other non-geostationary systems, or whether this rulemaking proposal is simply a vehicle for advancing the SkyBridge Ku band satellite system application.³ The Commission should decline to conduct a rulemaking proceeding whose rules would benefit only one company. Moreover, the Commission should reject SkyBridge's proposal that the first

¹ See *Amendment of C-Band Satellite Orbital Spacing Policies to Increase Satellite Video Service to the Home*, 7 FCC Rcd 456 (1992).

² In this regard, the Commission should pay particular attention to the interference concerns raised by existing U.S. satellite licensees, such as HCI's affiliates DIRECTV and PanAmSat.

³ See, e.g., SkyBridge Petition at 17 ("FSS NGSO systems proposing to operate in the Ku-band should be required to operate on a non-interference basis with respect to any existing FSS NGSO systems operating in the subject bands.").

non-geostationary system to access the Ku band would have no obligation to share the band with any other non-geostationary system.⁴

Third, while HCI supports the expanded use of spectrum where doing so does not adversely impact existing businesses, HCI does not believe that the SkyBridge proposal is broad enough. Specifically, if the Commission initiates a proceeding, HCI urges the Commission to inquire about the various alternative types of non-geostationary orbits that could be employed to maximize access to the spectrum. For example, the Commission should explore whether there are certain types of non-geostationary orbits that could be used to afford access by multiple service providers in the same or different regions of the world. If there are, the Commission should consider whether those alternatives are more spectrally efficient and less potentially disruptive to existing satellite businesses than the SkyBridge proposal.

Finally, given the need to broaden the scope of this proceeding and given the potential interference scenarios that need to be carefully addressed, as discussed above, HCI recommends that, if the Commission proceeds at all here, it issue a Notice of Inquiry, rather than issue a Notice of Proposed Rulemaking in this matter. The impact of this proposal on the existing U.S. satellite industry is too great to proceed directly to a rulemaking proposal without providing existing U.S. satellite licensees with the opportunity to more fully develop the record


⁴ Likewise, any changes to the Part 25 service rules with respect to 12.75-13.25 GHz, 10.7-10.95 GHz, and 11.2-11.45 GHz should accommodate continued GSO use of those frequencies.

on the types of issues raised by the SkyBridge proposal and possible alternative uses of the Ku
band by satellites.

Respectfully submitted,

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Certificate of Service

I, Susan Guzo, hereby certify that on this 27th day of August, 1997, a copy of the foregoing Comments of Hughes Communications, Inc. was delivered by U.S. first-class mail, postage prepaid, to the following:

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